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C O N F I D E N T I A L SECTION 01 OF 04 BEIRUT 001334

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NSC FOR ABRAMS/SINGH/GAVITO/HARDING

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [PARM](#) [SY](#) [IS](#) [LE](#)

SUBJECT: LEBANON: BERRI: FUTURE OF LEBANON DEPENDS ON  
CONSENSUS PRESIDENT

Classified By: Ambassador Jeffrey D. Feltman for Reasons: Section 1.4 (b) and (d).

SUMMARY

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¶1. (C) Speaker Berri continues to insist on a two-thirds parliamentary quorum to hold a vote on the presidency, though he acknowledged that the constitution permits the vote to take place during the last ten days prior to the expiration of the current president's mandate with only a simple majority of parliamentarians present. He warned, however, that waiting until then was a dangerous game, and that the only way out of the crisis is to find a consensus presidential candidate. He therefore urged the US not to support March 14's claims that a simple majority is sufficient, arguing US acceptance of a simple majority quorum would deprive March 14 of any incentive to compromise. Mentioning LAF Commander Michel Sleiman only in passing, Berri dropped his earlier interest in a constitutional amendment (necessary for Sleiman to become president). In writing out his own list of presidential prospects and then eliminating names one by one, the Speaker mused that Nassib Lahoud, Boutros Harb, Robert Ghanem, and Jean Obeid are the candidates from whose ranks a consensus president should emerge. We know that he prefers Obeid, but we wonder if he may also be signaling that one or more (e.g., Harb or Ghanem) are also potentially acceptable. End summary.

¶2. (C) The Ambassador, accompanied by Pol/Econ Chief, met with Parliament Speaker Nabih Berri and his advisor, Ali Hamdan, at Berri's office in Ain Tineh on August 30. The Ambassador opened the meeting by acknowledging the anniversary of the disappearance of Imam Musr Sadr, the founder of Amal, Berri's party, 29 years ago. Expressing appreciation for the sentiments, Berri claimed that he was supposed to have joined Sadr on his ill-fated trip to Libya in 1978 but at the last minute went to the US instead, to spend time with his ill wife.

BERRI INSISTS ON TWO-THIRDS QUORUM...

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¶3. (C) Turning to presidential elections, Berri insisted repeatedly that, to apply the constitution, two-thirds of MPs must be present each time a vote is held to elect the president. Even though after the first round a candidate can win with only a simple majority of votes, the two-thirds' quorum remains essential for each round of voting. Holding

the election with only a simple majority present is "against the constitution," Berri stated categorically, and therefore something he personally could never support. He did not disagree with the Patriarch's recent statement indicating that the president could be elected with the support of one half plus one parliamentarians in the second round of voting; but two-thirds (86 out of 128) of the parliamentarians needed to be present in order for voting to take place.

¶4. (C) Ignoring the Ambassador's question on what in reality the opposition fears from a simple majority quorum, given that none of the realistic candidates have extremist views, Berri said the opposition has a democratic right not to make quorum if it opposes the government's proposed program. It is the right of MPs not to show up. Furthermore, the opposition has the right to share in electing the president and thus to have a share of the presidency. Unfortunately, he said, March 14 seems to think the presidency is like the Special Tribunal; once they've imposed their position, the opposition will accept it as a fait accompli. This is a dangerous move, he warned; Jumblatt and Geagea can't live without 100 plus temperatures and are heating things up. Because of the radical March 14 positions, Berri said, he told the Lebanese daily An-Nahar that he wanted to hear the US position.

¶5. (C) The Ambassador responded that the US holds a high degree of respect for the Speaker and the institution he represents. and that we, too, would prefer a session with all MPs present and voting. However, if the opposition withholds quorum, as Lebanon approaches the end of Emile Lahoud's mandate, the danger of a second government or a vacuum increases. At that point, the US would become more inclined to support the simple majority quorum that Berri opposes. It

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is better to solve this issue by electing a president well before the end of the presidential mandate, lest Berri not like the US. response to a simple majority session. Berri responded that he stopped the idea of a second government four months ago, and had been advocating a national unity government as a way out of the crisis. "I can resist the majority and the opposition," he said, but I cannot accept a simple majority. A consensus president is the only way out of Lebanon's crisis; the government will only last until 2009 (when the next parliamentary elections are scheduled), and in the meantime who knows what will happen in Iran, Iraq, Nahr al-Barid? (Berri, probably intentionally, left out the upcoming US elections in his rhetorical list).

...EXCEPT IN LAST TEN DAYS

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¶6. (C) Berri then let the cat out of the bag: he himself stated, with no prompting on our part, that during the last ten days of the two-month period preceding the end of the president's mandate (i.e., November 14-24), parliament can convene without the speaker, at a venue of his choice, and a simple majority quorum is no longer an issue. (Note: this was our preferred interpretation of Article 74 of the constitution, but it's the first time we've heard a member of the opposition acknowledge it). Furthermore, the opposition would legally have to abide by whatever decision parliament makes.

¶7. (C) Not having an election would be a catastrophe, Berri said, adding that he did not want to wait until the last 10 days for two reasons: one, Lebanon needs to elect a new president quickly; and two, there is the danger that if the majority elects a president with a simple majority quorum only, Lahoud will impose one of six options he supposedly has in reserve, such as "continuity" (i.e., another extension of his term), or a dual government, or select himself as head of the armed forces. Berri said he had been thinking "day and night" about the implications, especially for the LAF, the central bank, and parliament. The LAF would stay unified, he

concluded, especially after Nahr al-Barid. The central bank would pay for both governments. And parliament would stay neutral.

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CONSENSUS NEEDED TO AMEND CONSTITUTION  
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18. (C) Responding to the Ambassador's question on the mechanics of an amendment to the constitution, which requires a joint proposal by both the president and prime minister (an impossibility in the current government), Berri said there are two exceptions when both signatures are not required for parliament to act: to elect a president and if the government resigns (i.e., there is no prime minister).

19. (C) Berri, pulling out his calendar for emphasis, opened to October 16, on which was written in Arabic "normal session," explaining that from the first Tuesday after October 15, parliament is back to business as usual. From then until November 14 (i.e., ten days before the expiration of President Lahoud's term) is the only time parliament would be able to make any amendments to the constitution. However, he added, consensus would be needed to adopt the change, and Druze leader Walid Jumblatt has said March 14 will never accept an amendment.

10. (C) The Ambassador noted that, strictly speaking, whether or not to amend the constitution was an internal matter for the Lebanese alone, and not a decision that could be imposed from outside. But he noted that, without a genuine Lebanese consensus, there was no apparent need or wisdom in changing the constitution. Now, there is no consensus, and thus there is no reason to speak of an amendment. Berri readily agreed, stressing that since it is an internal decision, we put aside the scenario of a constitutional amendment. But at the same time the US should not push the likes of Jumblatt and Lebanese Forces leader Samir Geagea to oppose one. But Berri did not dwell on the issue of a constitutional amendment, acting as if the issue was no longer under active consideration.

AND THEN THERE WERE FOUR?  
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11. (C) At the Speaker's initiative, the discussion then turned to potential compromise candidates, despite the Ambassador's insistence that the US has no candidates and will have no candidates this year. Handing the Ambassador the Arabic text of Boutros Harb's press statement announcing his presidential candidacy, Berri quoted Harb as saying he wanted a Lebanese president who has good relations with the whole world and that there should be mutual respect between Lebanon and Syria. "This man is loyal," Berri said, (to whom, we wonder?), adding that Harb knows that being elected without the two-thirds quorum is "illegal." The two planned to meet once Harb returned from a visit to Rome (presumably to push his candidacy with the Vatican).

12. (C) The Speaker then wrote out the people he saw as candidates: Michel Aoun was the sole opposition candidate on his list. From March 14, he listed Boutros Harb, Nassib Lahoud, Nayla Mouawad, and Robert Ghanem. Of "neutral" candidates, he listed Fares Bouez, Jean Obeid, Charles Rizk, Michel Edde, Mikael Daher, and Joseph Torbely. Only later in the conversation did it occur to the Speaker (or to the others in the room) that no one had remembered to add Amine Gemayel to the list. Then, of the list of 12 candidates mentioned, Berri started crossing out names, one by one, explaining why this or that person would not be elected. This left him ultimately with four names that he considered to be realistic candidates: Nassib Lahoud, Boutros Harb, Robert Ghanem, and Jean Obeid. He promised that if the US could lead March 14 to accept the two-thirds quorum, he would secure the opposition's consensus on the presidency, settling

on one of those four names (which Obeid known to be Berri's preference). The Ambassador kept pushing Berri about what was so dangerous about any of those four candidates. Berri did not answer the Ambassador's question about why parliament could not simply meet and vote on those four names until a winner emerged.

COMMENT

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¶13. (C) Often with the Speaker, who tirelessly claims to be the true guarantor of the country's political institutions, what he leaves out of the conversation is often more informative than what he does say. For example, he did not mention anything about what the media are touting as a new "Berri initiative," to be announced during Friday's commemoration of the disappearance of Musa Sadr. Yet in this case, he also said something explicit that was quite striking: that during the final 10 days of a president's term in office, parliament does indeed have the right to elect a president -- wherever it chooses, without being convened by the speaker, and with only a simple majority of parliamentarians present. In acknowledging this, Berri recognizes that the March 14 bloc has the upper hand (assuming it can maintain unified ranks, a far from certain proposition, especially with multiple presidential candidates of its own). All March 14 needs to do is wait 50 days. During this period, the opposition will prevent it from electing a president by withholding the two-thirds quorum, and then March 14 can use the different procedures outlined in the constitution for the last ten days of Lahoud's mandate to elect the candidate of its choice.

¶14. (C) Berri offers on the one hand the prospect of national unity and consensus that would result from a president who has the votes of two-thirds of the MPs. On the other hand, he warns of the consequences of moving to the last stage of the game, claiming he would not be able to prevent President Lahoud from taking actions such as prolonging his own term (again) or setting up a second government to thwart or undermine a president elected by simple majority. Berri then appeals to us, saying we can stop the latter scenario (which he knows are two undesirable outcomes), by disabusing March 14 of the illusion that the US would support candidate elected by simple majority. Only if March 14 knows it can't count on our recognition of a simple-majority president, Berri argues, would March 14 have any incentive to compromise. It is up to us, in Berri's argument, to prevent the catastrophe that would befall Lebanon, should a president be elected with only parliamentary simple majority quorum.

¶15. (C) The end result of Berri's current strategy is,

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predictably, to ensure that March 8 has a heavy influence over who becomes president. By appealing to the need for a two-thirds quorum, the opposition regains a veto over the presidency, regardless of Berri's claimed willingness to agree on a compromise candidate. In effect, it's asking March 14 to give something now on the promise that March 8 will somehow reciprocate later -- an offer few March 14 figures would accept except under duress (which Berri hopes will include US pressure). Should this argument fail, in a good cop/bad cop scenario, Berri raises the specter of what Lahoud might do if it comes down to the final days. Characteristically, Berri postures as doing all he can for the good of the country, while noting that, if he isn't listened to, then he can't be blamed for the consequences. We intentionally left Berri uncomfortable with USG thinking, warning him that he should not want to wait until the last days for presidential elections: at that point, he might not like our position regarding the simple majority quorum.

¶16. (C) Berri's discussion of presidential names was interesting. While it appeared to be merely off-the-cuff musing, we know from experience that the Speaker rarely

speaks to us without prior thought. We find it significant, for example, that he quickly dropped the arguments in favor of a constitutional amendment and thus did not include the "usual suspects" Michel Sleiman and Riad Salameh (both of whom would require an amendment to override a constitutional cooling-off period) on his tally of candidates. He was characteristically dismissive of Michel Aoun, the putative candidate of the opposition bloc to which he belongs. Of the four names that he didn't scratch off his list, we know that he prefers Jean Obeid. But we wonder if he is also signaling that at least one of the other three would also be acceptable, in some kind of deal by which each side jettisons a candidate in favor of a consensus. Maybe, for example, Boutros Harb's frequent arguments that he can somehow get Nabih Berri on board for his candidacy are not so far-fetched after all.

FELTMAN